IN THE UNITES STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

FIREMAN'S FUND INSURANCE

COMPANY, as Subrogee of

Richard E. Deforno, DMD, P.C.

Civil Action No. 2:07-cv-4273

Plaintiff,

v.

JANI-KING INTERNATIONAL, INC.

and

JANI-KING OF PHILADELPHIA, INC.

Defendants.

It is hereby stipulated and agreed by and between the undersigned, the attorneys of record of the parties to the above captioned action, that whereas no party hereto is an infant or an incompetent person for whom a committee has been appointed, the above-entitled action be, and the same is, hereby discontinued with prejudice without cost to any party as against the other. This stipulation may be filed without further notice to the Clerk of the Court.

David W. Smith, Esquire

Cozen O'Connor

1900 Market Street

Philadelphia, PA 19103

Counsel for Plaintiff Fireman's Fund Insurance Company

Mark F. Macdonald, Esquire

Baginski, Mezzanotte, Hasson & Rubinate

Marle F. Mondould

Suite 500 Public Ledger Building

150 South Independence Mall West

6th and Chestnut Streets

Philadelphia, PA 19106

Counsel for the Jani-king International, Inc. and Jani-king of Philadelphia, Inc.